



United States Department of the Interior



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Tom De Meulenaer
Chief, Scientific Services
CITES Secretariat
International Environment House
11 Chemin des Anémones
CH-1219 Châtelaine-Geneve
Switzerland

Via email: tom.de-meulenaer@cites.org

Dear Mr. De Meulenaer:

This letter provides the U.S. response to Notification to the Parties No. 2019/061, which requests information on the implementation of Decision 18.292 on Totoaba (*Totoaba macdonaldi*). If you have any questions concerning the information we have provided, please feel free to contact me at pamela_scruggs@fws.gov.

Sincerely,


UW Division of Management Authority

Enclosure

CC: NMFS
FWSOLE

U.S. Response to Notification to the Parties No. 2019/061

Implementation of Decision 18.292

18.292 Parties, in collaboration with relevant stakeholders, are encouraged to:

- a) **communicate to the Secretariat and the CITES Authorities of relevant Parties information on seizures of specimens of totoaba, arrests of those engaged in illegal take and trade, results of any prosecutions, and actions taken to implement this Decision;**

As we have reported previously, the U.S. Fish and Wildlife Service (FWS) has regularly shared investigative information through our Office of Law Enforcement Attachés in Beijing, China, and Mexico City, Mexico, with authorities in the Chinese, Mexican, and South Korean governments, when seizures of totoaba and arrests of their nationals have occurred. Requests for information on known addresses and entities from these countries often go unanswered. Our Attachés stand ready to assist in investigations when requested and appropriate.

A search of USFWS Office of Law Enforcement records from 2002 to 2019 for seizures and investigations into totoaba resulted in 13 seizures amounting to approximately 533 confiscated items (meat and bladders). The two seizures reported in 2019 include shipments that originated in Mexico destined for China. One seizure took place on the U.S. border with Mexico (in Calexico) and the other in Anchorage, Alaska at an express carrier facility. The 2019 investigations are ongoing, thus no information on arrests or prosecutions is available.

The relatively small number of recent seizures may be due to a number of reasons including that the United States is no longer being used regularly as a transit point for this illegal trade. While we believe that transit through the United States may be occurring less frequently, our Office of Law Enforcement remains on alert for totoaba shipments.

We have reported previously on U.S. actions under the Marine Mammal Protection Act with regard to the continuing losses of vaquita as bycatch resulting from illegal gillnetting operations that target totoaba. The United States is in consultations with Mexico regarding possible revocation of its comparability finding under the Marine Mammal Protection Act import provisions.

- b) **engage in awareness-raising activities on the illegal trade in totoaba, and its severe implications for the conservation of vaquita (*Phocoena sinus*), including demand reduction campaigns;**

FWS posts information on seizures and prosecutions on our Office Law Enforcement website. FWS has also worked to increase awareness of totoaba trade throughout its Wildlife Inspection program, as well as with our partners in the U.S. Customs and Border Protection, and state partners. Our Attachés continue to work with authorities in the source and destination countries in an attempt to improve capacity and political will to investigate and prosecute individuals and business in their regions that engage in these illegal activities.

As we have reported previously, to help raise awareness regarding the illegal totoaba trade and its detrimental impact on the vaquita, the United States funded the publication of two reports (in multiple languages) and an interactive map of totoaba seizures/trade. These materials were presented at SC66 (January 2016) and CoP17 (September/October 2016).

c) eliminate supply and demand for illegally-sourced specimens of totoaba, and strengthen national policies and law enforcement measures to prevent and address their illegal trade;

The USFWS continues to enforce the regulations and laws of the United States including CITES. NOAA and FWS Office of Law Enforcement remain fully engaged in efforts to identify and intercept illegal shipments and continue to provide guidance to U.S. Customs and Border Protection officers when they encounter people entering the United States with dried swim bladders. NOAA and FWS Offices of Law Enforcement have provided training to Mexican wildlife officials regarding Modus Operandi concerning the methods and practices, based on U.S. experiences, in detecting the concealment and smuggling of totoaba bladders. We regret that we have not seen any movement on the agreed outcomes of the Totoaba Enforcement Trilateral hosted by Mexico in August 2018, including the stand up of an Enforcement Network.

Lastly, under the new free trade agreement between the United States, Mexico, and Canada (known as the USMCA), the parties have agreed, among other things, to take measures to combat, and cooperate to prevent, the trade of wild fauna and flora taken or traded in violation of applicable law.